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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

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1 AN ACT
2 RELATING TO ALCOHOL; AMENDING SECTION 23-217, IDAHO CODE, TO REVISE TERMI-
3 NOLOGY AND TO REVISE A PROVISION REGARDING A CERTAIN DISCOUNT; AMENDING
4 SECTION 23-603, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN AD-
5 MINISTRATIVE ACTIONS UPON CONVICTION FOR DISPENSING ALCOHOL TO PERSONS
6 UNDER TWENTY-ONE YEARS OF AGE AND TO DEFINE A TERM; AMENDING SECTION
7 23-604, IDAHO CODE, TO PROHIBIT CERTAIN CONDUCT REGARDING PERSONS UNDER
8 TWENTY-ONE YEARS OF AGE, TO PROVIDE EXCEPTIONS AND TO DEFINE A TERM;
9 AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
10 TION 23-604B, IDAHO CODE, TO PROVIDE EXCEPTIONS FROM RESTRICTION ON
11 ENTERING OR REMAINING IN CERTAIN PLACES AND TO DEFINE A TERM; AMENDING
12 SECTION 23-605, IDAHO CODE, TO PROVIDE THAT DISPENSING ALCOHOL TO AN
13 OBVIOUSLY INTOXICATED PERSON SHALL BE A MISDEMEANOR, TO PROVIDE PENAL-
14 TIES, TO PROVIDE FOR DEPOSIT OF FINES, TO PROVIDE FOR NOTIFICATION,
15 TO PROVIDE FOR CERTAIN ADMINISTRATIVE ACTION AND TO DEFINE A TERM;
16 AMENDING SECTION 23-615, IDAHO CODE, TO REMOVE A PROVISION REGARDING
17 INTOXICATION; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDI-
18 TION OF A NEW SECTION 23-617, IDAHO CODE, TO PROVIDE ADMINISTRATIVE
19 PENALTIES FOR SPECIFIED VIOLATIONS, TO PROVIDE FOR THE PAYMENT AND
20 DISTRIBUTION OF FINES AND TO DEFINE A TERM; AMENDING SECTION 23-901,
21 IDAHO CODE, TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS AND CITY
22 COUNCILS TO GRANT LICENSES FOR LIQUOR BY THE DRINK TO CERTAIN QUALIFIED
23 PERSONS IN ACCORDANCE WITH CERTAIN LAWS, RULES AND ORDINANCES, TO PRO-
24 VIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
25 SECTION 23-902, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS;
26 REPEALING SECTIONS 23-903, 23-903a, 23-903b, 23-904, 23-905, 23-906,
27 23-907 AND 23-908, IDAHO CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE
28 DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
29 SECTION 23-903, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS REGARDING
30 ALCOHOLIC BEVERAGES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE
31 ADDITION OF A NEW SECTION 23-904, IDAHO CODE, TO PROVIDE GRANDFATHER
32 RIGHTS AND TO PROVIDE THAT CERTAIN LICENSES ARE TRANSFERABLE AND CER-
33 TAIN LICENSES ARE NOT TRANSFERABLE; AMENDING CHAPTER 9, TITLE 23, IDAHO
34 CODE, BY THE ADDITION OF A NEW SECTION 23-905, IDAHO CODE, TO AUTHORIZE
35 COUNTIES AND CITIES TO ISSUE CERTAIN MUNICIPAL LICENSES; AMENDING CHAP-
36 TER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-906,
37 IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH MUNICIPAL LICENSES MAY
38 NOT BE ISSUED AND TO PROVIDE A PROCEDURE FOR A REFERENDUM REGARDING THE
39 AUTHORITY OF A GOVERNING BODY TO ISSUE MUNICIPAL LICENSES; AMENDING
40 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-907,
41 IDAHO CODE, TO PROVIDE FOR THE FORM OF BALLOT; AMENDING CHAPTER 9, TITLE
42 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-908, IDAHO CODE, TO
43 PROVIDE FOR THE EFFECT OF AN ELECTION AND TO PROVIDE THAT CERTAIN SALES
44 SHALL NOT BE AFFECTED; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE
45 ADDITION OF A NEW SECTION 23-909, IDAHO CODE, TO PROVIDE FOR SUBSEQUENT

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1 ELECTIONS; REPEALING SECTIONS 23-910, 23-911, 23-912, 23-913, 23-914,
2 23-915, 23-916, 23-917, 23-918, 23-919, 23-920 AND 23-921, IDAHO CODE,
3 RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TI-
4 TLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-910, IDAHO CODE,
5 TO PROVIDE FOR APPLICATIONS FOR MUNICIPAL LICENSES; AMENDING CHAPTER
6 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-911, IDAHO
7 CODE, TO PROVIDE FOR THE INVESTIGATION OF APPLICATIONS, TO PROVIDE THAT
8 FALSE STATEMENTS SHALL CONSTITUTE A FELONY AND TO PROVIDE A PENALTY;
9 AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
10 SECTION 23-912, IDAHO CODE, TO PROVIDE FOR RULES AND REGULATIONS, TO
11 PROVIDE FOR ADDITIONAL AUTHORITY AND DUTIES OF THE DIRECTOR, TO PROVIDE
12 FOR THE POWERS OF LICENSING AUTHORITIES OF COUNTIES AND CITIES AND TO
13 PROVIDE THAT LICENSEES SHALL ADVISE THEMSELVES OF THE RULES AND REGU-
14 LATIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
15 NEW SECTION 23-913, IDAHO CODE, TO PROVIDE FOR LICENSE FEES; AMENDING
16 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-915,
17 IDAHO CODE, TO PROHIBIT THE ISSUANCE OR TRANSFER OF CERTAIN LICENSES
18 TO SPECIFIED PERSONS AND TO PROVIDE FOR THE REVOCATION OF CERTAIN LI-
19 CENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
20 NEW SECTION 23-916, IDAHO CODE, TO PROVIDE LOCATION AND DISTANCE PROVI-
21 SIONS REGARDING THE LOCATION OF PREMISES BEING ISSUED OR TRANSFERRED A
22 LICENSE AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO
23 CODE, BY THE ADDITION OF A NEW SECTION 23-917, IDAHO CODE, TO PROHIBIT
24 SPECIFIED PERSONS AND ENTITIES FROM PROVIDING EQUIPMENT, FIXTURES OR
25 OTHERWISE FURNISHING FINANCIAL AID TO ONE ENGAGED IN THE SALE OF LIQUOR
26 AND TO PROHIBIT LICENSEES FROM RECEIVING SUCH EQUIPMENT, FIXTURES OR
27 FINANCIAL AID; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION
28 OF A NEW SECTION 23-918, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS FOR
29 PERSONS INTERESTED IN THE PREMISES, TO PROVIDE AN EXCEPTION, TO PROVIDE
30 FOR THE APPLICABILITY OF RULES, REGULATIONS AND LAW, TO PROVIDE THAT
31 CERTAIN PERSONS SHALL NOT BE DISQUALIFIED FROM HOLDING CERTAIN LICENSES
32 AND TO CLARIFY THAT LICENSES FOR THE RETAIL SALE OF LIQUOR BY THE DRINK
33 MUST BE OBTAINED THROUGH NORMAL LAWFUL MEANS; AMENDING CHAPTER 9, TITLE
34 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-919, IDAHO CODE, TO
35 PROVIDE FOR THE FORM AND DISPLAY OF MUNICIPAL LICENSES, TO PROHIBIT CER-
36 TAIN TRANSFERS, TO PROVIDE THAT MUNICIPAL AND STATE LIQUOR LICENSES ARE
37 SEPARATE AND DISTINCT, TO RESTRICT THE EXERCISE OF PRIVILEGES UNDER A
38 LICENSE TO THE NAMED LICENSEE, TO PROVIDE FOR EXPIRATION AND RENEWAL, TO
39 PROVIDE FOR TRANSFERS OF STATE LIQUOR LICENSES, TO PROVIDE FOR FEES AND
40 TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE
41 ADDITION OF A NEW SECTION 23-920, IDAHO CODE, TO PROVIDE RESTRICTIONS
42 ON THE TRANSFER OF STATE LIQUOR LICENSES AND TO PROVIDE THAT CERTAIN
43 LICENSES SHALL BE SUBJECT TO LEVY AND DISTRAINT; AMENDING CHAPTER 9,
44 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-921, IDAHO
45 CODE, TO PROVIDE FOR SUSPENSION, REVOCATION AND REFUSAL TO RENEW LI-
46 CENSES, TO PROVIDE FOR PETITIONS REQUESTING MONETARY PAYMENT IN LIEU
47 OF SUSPENSION, TO PROVIDE FOR GUIDELINES AND RULES REGARDING PERIODS
48 OF SUSPENSION AND MONETARY PAYMENTS IN LIEU OF SUSPENSION, TO PROVIDE
49 FOR ADDITIONAL SUSPENSIONS AND TO PROVIDE FOR THE RENEWAL OF CERTAIN
50 LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF

1 A NEW SECTION 23-921A, IDAHO CODE, TO PROVIDE FOR LICENSE SUSPENSION OR
2 REVOCATION UPON CONVICTION FOR VIOLATION OF OBSCENITY LAWS; AMENDING
3 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-922,
4 IDAHO CODE, TO PROVIDE THAT THE SALE OF LIQUOR WITHOUT A LICENSE IS A
5 FELONY AND TO PROVIDE A PENALTY; AMENDING CHAPTER 9, TITLE 23, IDAHO
6 CODE, BY THE ADDITION OF A NEW SECTION 23-923, IDAHO CODE, TO PROVIDE
7 THAT CERTAIN LIQUOR SOLD BY LICENSEES SHALL BE PURCHASED FROM THE STATE
8 LIQUOR DIVISION, TO PROVIDE FOR SALES BY THE STATE LIQUOR DIVISION TO
9 LICENSEES AND TO DEFINE A TERM; AMENDING CHAPTER 9, TITLE 23, IDAHO
10 CODE, BY THE ADDITION OF A NEW SECTION 23-924, IDAHO CODE, TO PROVIDE FOR
11 THE EXAMINATION OF PREMISES BY CERTAIN PERSONS; AMENDING CHAPTER 9, TI-
12 TLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-925, IDAHO CODE,
13 TO PROVIDE THAT LICENSEES HAVING ILLEGAL LIQUOR ON PREMISES SHALL BE
14 GUILTY OF A FELONY, TO PROVIDE PENALTIES, TO PROVIDE FOR LICENSE REVOCATION,
15 TO PROVIDE FOR A DETERMINATION OF THE AMOUNT OF LIQUOR TO BE SOLD
16 TO LICENSEES, TO PROVIDE FOR THE SEIZURE OF ILLEGAL LIQUOR AND TO PRO-
17 VIDE AN EXCEPTION; REPEALING SECTIONS 23-926, 23-927 AND 23-928, IDAHO
18 CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER
19 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-926, IDAHO
20 CODE, TO PROVIDE FOR THE POSTING OF AGE RESTRICTION SIGNS; AMENDING
21 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-927,
22 IDAHO CODE, TO PROHIBIT DISPENSING LIQUOR OFF PREMISES, TO PROVIDE
23 EXCEPTIONS, TO PROHIBIT GAMING ON PREMISES AND TO PROVIDE AN EXCEP-
24 TION; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
25 SECTION 23-928, IDAHO CODE, TO PROVIDE FOR ALCOHOL BEVERAGE CATERING
26 PERMITS AND APPLICATIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY
27 THE ADDITION OF A NEW SECTION 23-929, IDAHO CODE, TO PROVIDE A PROCEDURE
28 FOR CITIES AND COUNTIES UPON THE FILING OF AN APPLICATION FOR AN ALCOHOL
29 BEVERAGE CATERING PERMIT, TO PROVIDE FOR APPROVAL OR DISAPPROVAL, TO
30 PROVIDE THAT COPIES SHALL BE SENT OR RETAINED BY SPECIFIED PERSONS AND
31 TO PROVIDE THAT CERTAIN DOCUMENTS SHALL CONSTITUTE PERMITS; REPEALING
32 SECTIONS 23-930, 23-931, 23-932, 23-933, 23-933A, 23-933B, 23-934,
33 23-934A, 23-934B, 23-934C, 23-935, 23-936, 23-937, 23-938, 23-939,
34 23-941, 23-942, 23-943, 23-943A, 23-944, 23-945, 23-946, 23-947,
35 23-948, 23-949, 23-950, 23-951, 23-952, 23-953, 23-954, 23-955, 23-956
36 AND 23-957, IDAHO CODE, RELATING TO THE RETAIL SALE OF LIQUOR BY THE
37 DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
38 SECTION 23-930, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN
39 REGULATORY AND PENALTY PROVISIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO
40 CODE, BY THE ADDITION OF A NEW SECTION 23-931, IDAHO CODE, TO PROVIDE
41 FOR THE DESTRUCTION OF STAMPS, TO PROVIDE SANITARY REQUIREMENTS AND
42 TO PROVIDE THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMENDING
43 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-932,
44 IDAHO CODE, TO PROHIBIT THE SALE OF LIQUOR ON CERTAIN DAYS AND AT CERTAIN
45 TIMES, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR THE CONSUMPTION OF LIQUOR
46 ALREADY SERVED, TO PROVIDE THAT SPECIFIED CONDUCT REGARDING ALCOHOLIC
47 BEVERAGE CONSUMPTION SHALL CONSTITUTE A MISDEMEANOR, TO PROVIDE FOR
48 DUTIES REGARDING LOCKING UNSEALED CONTAINERS OF LIQUOR AND TO PROVIDE
49 THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMENDING CHAPTER 9,
50 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-933, IDAHO

CODE, TO PROVIDE FOR THE DUTY OF PUBLIC OFFICERS; REPEALING SECTIONS 23-1020 AND 23-1022, IDAHO CODE, RELATING TO PROVISIONS GOVERNING THE SALE OF BEER; AMENDING TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 23, IDAHO CODE, TO PROVIDE FOR CLERK AND SERVER TRAINING, TO DEFINE TERMS, TO PROVIDE FOR APPROVED TRAINING, TO PROVIDE FOR MANDATORY TRAINING FOR ON-PREMISES SALES, TO PROVIDE FOR VOLUNTARY TRAINING FOR OFF-PREMISES SALES AND TO PROVIDE FOR ENFORCEMENT; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1304A, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF CERTAIN RESOLUTIONS AND ELECTIONS AND TO CLARIFY EFFECTIVENESS OF CERTAIN RESOLUTIONS AND ELECTION RESULTS; AMENDING SECTION 23-1331, IDAHO CODE, TO PROVIDE FOR GUIDELINES AND RULES REGARDING PERIODS OF SUSPENSION AND MONETARY PAYMENT IN LIEU OF SUSPENSION; REPEALING SECTION 23-1335, IDAHO CODE, RELATING TO PROVISIONS GOVERNING THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 18-7803, IDAHO CODE, TO REMOVE AND TO REVISE CODE REFERENCES; AMENDING SECTIONS 23-1312, 23-1406, AND 39-5502, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 49-307, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7446, IDAHO CODE, TO REVISE A CODE REFERENCE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-217, Idaho Code, be, and the same is hereby amended to read as follows:

23-217. SURCHARGE ADDED TO PRICE OF ALCOHOLIC LIQUOR AND ALL OTHER MERCHANDISE SOLD -- COLLECTION AND REMISSION BY DIRECTOR. (1) The director of the division is hereby authorized and directed to include in the price of alcoholic liquor and all other merchandise sold in the division, and its branches, a surcharge equal to two percent (2%) of the current price per unit computed to the nearest multiple of five cents (5¢).

(2) After the price of the surcharge has been included, the director of the division is hereby authorized and directed to allow a discount of five ten percent (510%) from the price of each order of alcoholic liquor and all other merchandise sold to any licensee person holding a state liquor license, as defined in section 23-902(8), Idaho Code.

(3) The surcharge imposed pursuant to this section shall be collected and credited monthly to the drug court, mental health court and family court services fund, as set forth in section 1-1625, Idaho Code.

SECTION 2. That Section 23-603, Idaho Code, be, and the same is hereby amended to read as follows:

23-603. DISPENSING TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS. (1) Any person who is eighteen (18) years of age or older who shall sell, give, or furnish, or cause to be sold, given, or furnished, alcohol beverage, including any distilled spirits, beer or wine, to a person under the age of twenty-one (21) years shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not less than five hundred dollars (\$500)

1 nor more than one thousand dollars (\$1,000) per violation, or by imprison-
2 ment in the county jail for a period not to exceed one (1) year, or by both
3 such fine and imprisonment. A second or subsequent violation of this sec-
4 tion by the same defendant shall constitute a misdemeanor and upon convic-
5 tion thereof the defendant shall be punished by a fine of not less than one
6 thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) per
7 violation, or imprisonment in the county jail for a period not to exceed one
8 (1) year, or by both such fine and imprisonment. Notwithstanding the provi-
9 sions of section 19-4705, Idaho Code, moneys received pursuant to such fines
10 shall be deposited in the substance abuse treatment fund, as created in sec-
11 tion 23-408, Idaho Code. Upon conviction of any person for a violation of
12 the provisions of this section, the court shall notify the ~~director of the~~
13 ~~Idaho state police~~ responsible authority. The ~~director~~ responsible author-
14 ity shall review the circumstances of the conviction, and if the dispens-
15 ing took place at a licensed ~~establishment or other retailer or distributor~~
16 ~~premises~~, the ~~director~~ responsible authority may take administrative action
17 he considers appropriate against the licensee or business including suspen-
18 sion of the license for not to exceed six (6) months, a fine, or both such sus-
19 pension and fine consistent with section 23-617, Idaho Code.

20 (2) For the purposes of this section, "responsible authority" means the
21 director, or the city council, chief executive of a city, mayor, board of
22 county commissioners or entity established by ordinance that issued the mu-
23 nicipal license for municipal licensees.

24 SECTION 3. That Section 23-604, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 23-604. MINORS -- PURCHASE, CONSUMPTION OR POSSESSION PROHIBITED --
27 PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR LOITER AT CER-
28 TAIN LICENSED PLACES. (1) Any person under twenty-one (21) years of age who
29 shall purchase, attempt to purchase, or otherwise consume or possess any al-
30 cohol beverage, including any distilled spirits, beer or wine, or who know-
31 ingly misrepresents his age for the purpose of entering a licensed premises
32 shall be guilty of an infraction upon a first violation and shall be guilty of
33 a misdemeanor upon a subsequent conviction and shall be punished according
34 to the schedule set out in section 18-1502, Idaho Code.

35 (2) No person under the age of twenty-one (21) years shall enter, remain
36 in or loiter in or about any place, as defined in this section, licensed for
37 the sale of liquor by the drink at retail, or sale of beer for consumption on
38 the premises; nor shall any licensee of either such place, or any person in
39 charge thereof, or on duty while employed by the licensee therein, permit or
40 allow any person under the age specified with respect thereto to remain in or
41 loiter in or about such place.

42 (3) Provided however, it is lawful for persons who are musicians and
43 singers eighteen (18) years of age or older, to enter and to remain in any
44 place, as defined in this section, but only during and in the course of their
45 employment as musicians and singers. Provided further, that it is lawful for
46 persons who are nineteen (19) years of age or older to sell, serve, possess or
47 dispense liquor, beer or wine in the course of their employment in any place,
48 as defined in this section, or in any other place where liquor, beer or wine

1 is lawfully present, as long as such place is the place of employment for such
2 persons under twenty-one (21) years of age. However, the provisions of this
3 subsection shall not permit the sale or distribution of any alcoholic bever-
4 ages to any person under the ages specified for sale of alcoholic beverages.

5 (4) For purposes of this section, "place" means any room of any premises
6 licensed for the sale of liquor by the drink at retail wherein there is a
7 bar and liquor, bar supplies and equipment are kept and where beverages con-
8 taining alcoholic liquor are prepared or mixed and served for consumption
9 therein, and any room of any premises licensed for the sale of beer for con-
10 sumption on the premises wherein there is a bar and beer, bar supplies and
11 equipment are kept and where beer is drawn or poured and served for consump-
12 tion therein.

13 SECTION 4. That Chapter 6, Title 23, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 23-604B, Idaho Code, and to read as follows:

16 23-604B. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. (1) It
17 shall not be unlawful for, nor shall section 23-604, Idaho Code, be construed
18 to restrict any person under the age of twenty-one (21) years from entering
19 or being:

20 (a) Upon the premises of any restaurant, eating establishment or
21 lodging facility, as defined in section 23-902, Idaho Code, or in any
22 railroad observation or club car or any airplane of a commercial air-
23 line, notwithstanding that such premises may also be licensed for the
24 sale of liquor by the drink or for the sale of beer for consumption on
25 the premises or that alcohol beverages, or beer, or both, are prepared,
26 mixed or dispensed and served and consumed therein;

27 (b) In any building, a part or portion of which is used as a place, as de-
28 fined in this section, provided such place is separated or partitioned
29 from the remainder of said building and access to such place through a
30 doorway or doorways or other means of ingress can be controlled to pre-
31 vent persons under the ages specified with respect thereto in section
32 23-604, Idaho Code, from entering therein;

33 (c) In any baseball park, sports arena, convention center, multipur-
34 pose arena, theater that is presenting live performances, or fair-
35 grounds, notwithstanding that such premises or any portion thereof may
36 be licensed for the sale of liquor by the drink, wine or beer for con-
37 sumption on the premises or that such products are dispensed and served
38 and consumed therein; provided however, that the person under the age
39 of twenty-one (21) years is attending a lawful activity, show, exhibi-
40 tion, performance or event on the premises or is required to be present
41 as a condition of his employment. It is lawful for persons under the
42 age of twenty-one (21) years to enter and remain in a baseball park,
43 sports arena, convention center, multipurpose arena or theater that is
44 presenting live performances, or fairgrounds, as long as the activity,
45 show, exhibition, performance or event is lawful and the person does not
46 violate section 23-604(2), Idaho Code;

47 (d) On the premises of any licensed brewery or winery, notwithstanding
48 that such premises or any portion thereof may also be licensed for the

1 sale of beer or wine for consumption on the premises or that beer or wine
2 is dispensed and served and consumed therein;

3 (e) On the licensed premises of a wine retailer wholly owned and oper-
4 ated by a licensed winery that retails exclusively the products of that
5 winery;

6 (f) At a location, other than a liquor, beer, or wine licensed premises,
7 authorized to serve alcohol beverages under a valid alcohol beverage
8 catering permit; or

9 (g) In any movie theater that is allowed to sell beer or wine for con-
10 sumption on the premises pursuant to a valid license and which movie
11 theater had a license that was valid and not suspended or revoked on
12 January 1, 2006. No films, still pictures, electronic reproductions or
13 other visual reproductions which are in violation of chapter 41, title
14 18, Idaho Code, regarding indecency and obscenity, or are in violation
15 of federal law regarding pornography, indecency or obscenity shall be
16 shown or displayed on the premises. As used in this subsection, "movie
17 theater" means a motion picture theater that is being utilized solely
18 for exhibition of a motion picture.

19 (2) As used in this section, "place" means any room of any premises li-
20 censed for the sale of liquor by the drink at retail wherein there is a bar and
21 liquor, bar supplies and equipment are kept and where beverages containing
22 alcoholic liquor are prepared or mixed and served for consumption therein,
23 and any room of any premises licensed for the sale of beer for consumption on
24 the premises wherein there is a bar and beer, bar supplies and equipment are
25 kept and where beer is drawn or poured and served for consumption therein.

26 SECTION 5. That Section 23-605, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 23-605. DISPENSING TO DRUNK. (1) Any person who sells, gives, or dis-
29 penses any alcohol beverage, including any distilled spirits, beer or wine,
30 to another person who is ~~intoxicated or apparently~~ obviously intoxicated
31 shall be guilty of a misdemeanor and, upon conviction thereof, may be pun-
32 ished by a fine of not less than five hundred dollars (\$500) nor more than one
33 thousand dollars (\$1,000) per violation, or by imprisonment in the county
34 jail for a period not to exceed one (1) year, or by both such fine and im-
35 prisonment. A second or subsequent violation of this section by the same
36 defendant shall constitute a misdemeanor and, upon conviction thereof, the
37 defendant shall be punished by a fine of not less than one thousand dollars
38 (\$1,000) nor more than two thousand dollars (\$2,000) per violation, or im-
39 prisonment in the county jail for a period not to exceed one (1) year, or by
40 both such fine and imprisonment. Notwithstanding the provisions of section
41 19-4705, Idaho Code, moneys received pursuant to such fines shall be de-
42 posited in the substance abuse treatment fund, as created in section 23-408,
43 Idaho Code. Upon conviction of any person for a violation of the provisions
44 of this section, the court shall notify the responsible authority. The re-
45 sponsible authority shall review the circumstances of the conviction, and,
46 if the dispensing took place at a licensed establishment or other retailer
47 or distributor, the responsible authority may take administrative action
48 consistent with section 23-617, Idaho Code.

1 (2) For the purposes of this section, "responsible authority" means the
2 director, or the city council, chief executive of a city, mayor, board of
3 county commissioners or entity established by ordinance that issued the mu-
4 nicipal license for municipal licensees.

5 SECTION 6. That Section 23-615, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 23-615. RESTRICTIONS ON SALE. No person licensed pursuant to title 23,
8 Idaho Code, or his or its employed agents, servants or bartenders shall sell,
9 deliver or give away, or cause or permit to be sold, delivered, or given away,
10 or allowed to be consumed, any alcohol beverage, including any distilled
11 spirits, beer or wine, to:

12 (1) Any person under the age of twenty-one (21) years, proof of which
13 shall be a validly issued state, district, territorial, possession, provin-
14 cial, national or other equivalent government driver's license, identifica-
15 tion card or military identification card bearing a photograph and date of
16 birth, or a valid passport.

17 ~~(2) Any person actually, apparently or obviously intoxicated.~~

18 ~~(3) An habitual drunkard.~~

19 ~~(4) An interdicted person.~~

20 Any person under the age of twenty-one (21) years, or other person,
21 who knowingly misrepresents his or her qualifications for the purpose of
22 entering licensed premises or for obtaining alcohol beverages from such li-
23 censee shall be equally guilty with such licensee and shall, upon conviction
24 thereof, be guilty of a misdemeanor.

25 SECTION 7. That Chapter 6, Title 23, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 23-617, Idaho Code, and to read as follows:

28 23-617. VIOLATIONS -- ADMINISTRATIVE PENALTIES. (1) The following ad-
29 ministrative penalties shall apply to licensees for violations of the pro-
30 visions of this chapter if all of the licensee's employees, at the time of
31 the violation, have completed an approved alcohol training program in accor-
32 dance with chapter 12, title 23, Idaho Code:

33 (a) For the first and second violation within a three (3) year period, a
34 written warning shall be issued to the licensee who employs or employed
35 the violator by the responsible authority that administers the license;

36 (b) For the third violation within a three (3) year period, the respon-
37 sible authority shall impose an administrative fine in the amount of
38 five hundred dollars (\$500) on the licensee who employs or employed the
39 violator; and

40 (c) For a fourth or subsequent violation within a three (3) year period,
41 the responsible authority shall review the circumstances and may take
42 additional administrative action against the licensee including, but
43 not limited to, revoking of the license, subject to compliance with this
44 title.

45 (2) The following administrative penalties shall apply to licensees
46 for violations of the provisions of this chapter if any of the licensee's em-

1 ployees, at the time of the violation, have not completed an approved alcohol
2 training program in accordance with chapter 12, title 23, Idaho Code:

3 (a) For the first violation within a three (3) year period, the respon-
4 sible authority shall impose an administrative fine in the amount of
5 three hundred dollars (\$300) on the licensee who employs or employed the
6 violator;

7 (b) For a second violation within a three (3) year period, the respon-
8 sible authority shall impose an administrative fine in the amount of one
9 thousand dollars (\$1,000) on the licensee who employs or employed the
10 violator; and

11 (c) For a third or subsequent violation within a three (3) year period,
12 the responsible authority shall review the circumstances and may take
13 additional administrative action against the licensee including, but
14 not limited to, revoking of the license, subject to compliance with this
15 title.

16 (3) Any fines imposed on a state licensee pursuant to the provisions of
17 this section shall be paid to the division to be distributed pursuant to sec-
18 tion 23-923, Idaho Code.

19 (4) Any fines imposed on a municipal licensee pursuant to the provi-
20 sions of this section shall be paid to the city or county that issued the mu-
21 nicipal license.

22 (5) For the purposes of this section "responsible authority" means the
23 director, or the city council, chief executive of a city, mayor, board of
24 county commissioners or entity established by ordinance that issued the mu-
25 nicipal license for municipal licensees.

26 SECTION 8. That Section 23-901, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 23-901. DECLARATION OF POLICY -- RETAIL SALE OF LIQUOR. It is hereby
29 declared as the policy of the state of Idaho that it is necessary to further
30 regulate and control the sale and distribution within the state of alcoholic
31 beverages, and to eliminate certain illegal traffic in liquor now existing,
32 and to ~~insure~~ ensure the entire control of the sale of liquor, it is advisable
33 and necessary, in addition to the operation of the state liquor stores now
34 provided by law, that the ~~director of the Idaho state police and the boards~~
35 of county commissioners and the councils of cities in the state of Idaho be
36 empowered and authorized to grant licenses for liquor by the drink to per-
37 sons qualified under this act chapter to sell liquor purchased by them at
38 state liquor stores at retail posted prices in accordance with this act title
39 and under the rules promulgated by said director and under his strict super-
40 vision and control and to provide severe penalty for the sale of liquor ex-
41 cept by and in state liquor stores and by persons licensed under this act and
42 regulation or ordinance enacted by a board of county commissioners or by a
43 city council. The restrictions, rules, and provisions contained in this ~~act~~
44 chapter are enacted by the legislature for the protection, health, welfare
45 and safety of the people of the state of Idaho and for the purpose of promot-
46 ing and encouraging temperance in the use of alcoholic beverages within the
47 state of Idaho.

SECTION 9. That Section 23-902, Idaho Code, be, and the same is hereby amended to read as follows:

23-902. DEFINITIONS. The following words and phrases used in this chapter shall be given the following interpretation:

(1) ~~"Club" includes any of the following organizations where the sale of spirituous liquor for consumption on the premises is made to members and to bona fide guests of members only:~~

~~(a) A post, chapter, camp or other local unit composed solely of veterans and their duly recognized auxiliary, and which is a post, chapter, camp or other local unit composed solely of veterans which has been chartered by the congress of the United States for patriotic, fraternal or benevolent purposes, and which has, as the owner, lessee or occupant, operated an establishment for that purpose in this state; or~~

~~(b) A chapter, aerie, parlor, lodge or other local unit of an American national fraternal organization, which has as the owner, lessee or occupant, operated an establishment for fraternal purposes in this state and actively operates in not less than thirty-six (36) states or has been in continuous existence for not less than twenty (20) years; and which has not less than fifty (50) bona fide members in each unit, and which owns, maintains or operates club quarters, and is authorized and incorporated to operate as a nonprofit club under the laws of this state, and which has recognized tax exempt status under section 501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been continuously incorporated and operating for a period of not less than one (1) year. The club shall have had during that period of one (1) year, a bona fide membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the club. The club membership shall consist of bona fide dues paying members, recorded by the secretary of the club, paying at least six dollars (\$6.00) per year in dues, payable monthly, quarterly or annually; and the members at the time of application for a club license shall be in good standing, having paid dues for at least one (1) full year.~~

~~(2) "Convention" means a formal meeting of members, representatives, or delegates, as of a political party, fraternal society, profession or industry.~~

~~(3) "Director" means the director of the Idaho state police.~~

(3) "Eating establishment" means a restaurant, cafe, dining room, coffee shop, cafeteria or other establishment that must utilize at least seventy-five percent (75%) of the gross floor area for the preparation, cooking and serving of complete meals, have and actively operate a commercial kitchen that includes a type 1 commercial hood and cooking equipment, excluding microwave ovens and grills, capable of cooking complete meals and be a public place kept, maintained and advertised as a place where complete meals are served and where complete meals are actually and regularly served during the time the establishment is open to the public. Limited food service, such as is provided by luncheonettes, drive-ins, sandwich shops and other similar uses does not meet the requirements of this definition.

1 (4) "Festival" means a period or program of festive activities, cul-
2 tural events or entertainment lasting three (3) or more consecutive days.

3 (5) "Gaming" means any and all gambling or games of chance defined in
4 chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof,
5 whether those games are licensed or unlicensed.

6 ~~(6) "Interdicted person" means a person to whom the sale of liquor is~~
7 ~~prohibited under law.~~

8 ~~(7) "License" means a license issued by the director to a qualified per-~~
9 ~~son, under which it shall be lawful for the licensee to sell and dispense~~
10 ~~liquor by the drink at retail, as provided by law.~~

11 (86) "Licensee" means the person to whom a license is issued under the
12 provisions of law.

13 (97) "Liquor" means all kinds of liquor sold by and in a state liquor
14 store of the state of Idaho.

15 ~~(10) "Live performance" means a performance occurring in a theater and~~
16 ~~not otherwise in violation of any provision of Idaho law.~~

17 (8) "Lodging facility" means a building with permanent bona fide
18 overnight accommodations available to the general public.

19 (119) "Municipal license" means a license issued by a municipality
20 county or incorporated city of the state of Idaho under the provisions of
21 law.

22 (120) "Party" means a social gathering especially for pleasure or
23 amusement and includes, but is not limited to, such social events as wed-
24 dings, birthdays, and special holiday celebrations to include, but not be
25 limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day,
26 the Fourth of July and Labor Day.

27 (131) "Person" means any individual, corporation, business corpora-
28 tion, nonprofit corporation, benefit corporation as defined in section
29 30-2002(1), Idaho Code, partnership, limited partnership, limited liabil-
30 ity company, general cooperative association, limited cooperative asso-
31 ciation, estate, unincorporated nonprofit association, statutory trust,
32 business trust, common-law business trust, estate trust, association,
33 joint venture, public corporation, government or governmental subdivision,
34 agency or instrumentality, any entity defined in section 30-21-102, Idaho
35 Code, or any other commercial entity, whether conducting the business sin-
36 gularly or collectively.

37 (142) "Premises" means the building and contiguous property owned, or
38 leased or used under a government permit by a licensee as part of the busi-
39 ness establishment in the business of sale of liquor by the drink at retail,
40 which property is improved to include decks, docks, boardwalks, lawns, gar-
41 dens, golf courses, ski resorts, courtyards, patios, poolside areas or simi-
42 lar improved appurtenances in which the sale of liquor by the drink at retail
43 is authorized under the provisions of law.

44 (13) "Qualified applicant" means any person who has a valid retail beer
45 license issued under the laws of the state of Idaho.

46 (154) "Rules" means rules promulgated by the director or ordinances en-
47 acted by a county or city in accordance with the provisions of law.

48 (15) "Specialty license" means a license duly issued by the director
49 prior to January 1, 2020, to a person, owner, operator or lessee of a: golf
50 course; winery; ski resort; equestrian facility; restaurant operated in an

airport; club; convention center; gondola resort complex; food, conference and lodging facility; dining club or buffet car operated in connection with regularly operated train service, or common carrier boat or common carrier airline; waterfront resort; cross-country skiing facility; racing facility; theme park; ski resort facility or golf course which has had a split in ownership; or a year-round resort.

(16) "State liquor license" means a license issued by the director prior to January 1, 2020, under which it shall be lawful for the licensee to sell and dispense liquor by the drink at retail, as provided by law.

(167) "State liquor store" means a liquor store or distributor established under and pursuant to the laws of the state of Idaho for the package sale of liquor at retail.

(178) "Theater" means a room, place or outside structure for performances or readings of dramatic literature, plays or dramatic representations of an art form not in violation of any provision of Idaho law.

(189) "Brewery" means a place, premises or establishment for the manufacture, bottling or canning of beer.

(1920) "Winery" means a place, premises or establishment within the state of Idaho for the manufacture or bottling of table wine or dessert wine for sale. Two (2) or more wineries may use the same premises and the same equipment to manufacture their respective wines, to the extent permitted by federal law.

(201) All other words and phrases used in this chapter, the definitions of which are not herein given in this section, shall be given their ordinary and commonly understood and acceptable meanings.

SECTION 10. That Sections 23-903, 23-903a, 23-903b, 23-904, 23-905, 23-906, 23-907 and 23-908, Idaho Code, be, and the same are hereby repealed.

SECTION 11. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-903, Idaho Code, and to read as follows:

23-903. NO RETAIL SALE EXCEPT BY THE DRINK -- RESTRICTIONS ON SALES. (1) It shall be unlawful for any licensee to sell, keep for sale, dispense, give away, or otherwise dispose of any liquor in the original containers or otherwise than by retail sale by the drink.

(2) No person licensed pursuant this title, or his agent, officer, or employee, shall sell, deliver, give away, or allow the consumption of any alcohol beverage, including distilled spirits, beer or wine, to:

(a) Any person under the age of twenty-one (21) years. Proof of proper age shall be a validly issued state, district, territorial, provincial, national or other equivalent driver's license, government identification card, military identification card or passport bearing a photograph and date of birth; or

(b) Any person obviously intoxicated.

SECTION 12. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-904, Idaho Code, and to read as follows:

23-904. GRANDFATHER CLAUSE. Any person who, on January 1, 2020, holds a valid retail liquor license shall be accorded "grandfather rights," and shall be deemed to have a state liquor license and be subject to the applicable provisions of this chapter and rules promulgated by the director. State liquor licenses, unless stated otherwise or prohibited by ordinance, shall be freely transferable throughout the state of Idaho wherever liquor by the drink establishments are allowed. Specialty licenses that were issued prior to January 1, 2020, shall also be deemed state liquor licenses; provided however, these licenses shall not be transferred to any other location or person.

SECTION 13. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-905, Idaho Code, and to read as follows:

23-905. AUTHORIZATION FOR COUNTIES AND CITIES TO LICENSE RETAIL LIQUOR. (1) Counties are hereby empowered and authorized to issue municipal licenses to qualified applicants for eating establishments and lodging facilities outside the incorporated limits of any city within said county, as provided in this section, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor by the drink at retail, but only in accordance with the provisions of this chapter and any rules promulgated or ordinance adopted by the board of county commissioners of the licensing county.

(2) Incorporated cities are hereby empowered and authorized to issue municipal licenses to qualified applicants for eating establishments and lodging facilities within the corporate limits of such city, as provided in this section, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor by the drink at retail, but only in accordance with the provisions of this chapter and any rules promulgated or ordinance adopted by the city council of the licensing city.

(3) The boards of county commissioners and city councils are empowered to create rules, requirements and criteria by ordinance for the equitable and fair administration of municipal licenses consistent with state law; provided however, that any such criteria shall not be inconsistent with this chapter.

SECTION 14. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-906, Idaho Code, and to read as follows:

23-906. REFERENDUM. Municipal licenses may be issued after sixty (60) days of the effective date of this act unless there is an existing resolution or ordinance, or one is adopted by a city council or county commission, or an election, pursuant to this chapter and Idaho law, is held to prohibit municipal licenses for the retail sale of liquor by the drink. Within sixty (60) days after the effective date of this act, a petition in writing pro-

posed by a person and signed by not less than twenty percent (20%) of the registered, qualified electors of any county or city may be filed with the clerk of said county or city as their protest against the authority of the governing body to issue municipal licenses in said county or city under the provisions of this act. In the event said petition is presented, the governing body of any such county or city shall, within five (5) days after the presentation of said petition, meet and determine the sufficiency thereof by ascertaining whether said petition is signed by the required number of registered, qualified electors of the county or city affected. In the event the governing body of said county or city determines that said petition is signed by the required percentage of registered, qualified electors, said governing body shall forthwith make an order calling an election to be held within said county or city, subject to the provisions of chapter 6, title 34, Idaho Code, in the manner provided by law for holding elections for county or city officers. All laws of the state of Idaho relating to the holding of elections of county or city officers for such county or city, whether special charter or general law of the state, shall apply to the holding of the election provided for in this section, except where specifically modified in this section. In addition to the other requirements of law, the notice of election shall notify the electors of the issue to be voted on at said election.

SECTION 15. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-907, Idaho Code, and to read as follows:

23-907. FORM OF BALLOT. The county or city clerk must furnish the ballots to be used in such election, which ballots must contain the following words:

"Municipal licenses for the sale of liquor by the drink, Yes,"
"Municipal licenses for the sale of liquor by the drink, No,"
and the elector, in order to vote, must mark opposite one (1) of the questions in a space provided therefor.

SECTION 16. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-908, Idaho Code, and to read as follows:

23-908. EFFECT OF ELECTION -- LIQUOR STORE SALES NOT AFFECTED. Upon a canvass of the votes cast, the clerk of the county or city shall certify the result thereof to the governing body. If a majority of the votes cast are "sale of liquor by the drink, Yes," municipal licenses shall be issued in said county or city as provided in this act. If a majority of the votes cast are "sale of liquor by the drink, No," then no municipal licenses shall be issued in said county or city unless thereafter authorized by a subsequent election in said county or city; provided however, that nothing in this section, nor any resolution shall be construed to prevent or prohibit the sale of liquor at or by a state liquor store, state distributor or holder of a state liquor license issued for a premises within such county or city.

1 SECTION 17. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-909, Idaho Code, and to read as follows:

4 23-909. SUBSEQUENT ELECTIONS. An election may be subsequently called
5 and held on the issue of whether the sale of liquor by the drink shall be
6 prohibited or, if prohibited, then an election to determine whether sale
7 of liquor by the drink shall be permitted. Such subsequent election shall
8 be held upon the filing of a petition, as provided in section 23-906, Idaho
9 Code, signed by the requisite percentage of qualified electors. No such sub-
10 sequent election shall be held prior to November 1, 2020, or more often than
11 two (2) years after the holding of any such subsequent election.

12 SECTION 18. That Sections 23-910, 23-911, 23-912, 23-913, 23-914,
13 23-915, 23-916, 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code, be,
14 and the same are hereby repealed.

15 SECTION 19. That Chapter 9, Title 23, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 23-910, Idaho Code, and to read as follows:

18 23-910. APPLICATION FOR MUNICIPAL LICENSES. (1) Prior to the issuance
19 of a municipal license as provided in this section, an applicant shall file
20 with the county, if outside the limits of an incorporated city or alterna-
21 tively, the city, if the premises is located within an incorporated city, an
22 application, in writing, signed by the applicant and containing such infor-
23 mation and statements relative to the applicant and the premises where the
24 liquor is to be sold as may be required by the county or city, along with a
25 nonrefundable application fee of four hundred dollars (\$400). The applica-
26 tion shall be verified by the affidavit of the person making the same before
27 a person authorized to administer oaths and shall be accompanied by the li-
28 cense fee required in this section.

29 (2) In addition to setting forth the qualifications required by other
30 provisions of this act, the applicant must show:

31 (a) A complete copy of the beer license application filed with the state
32 pursuant to chapter 10, title 23, Idaho Code;

33 (b) A copy of a valid state beer license issued to the applicant;

34 (c) A copy of a valid county beer license issued to the applicant; and

35 (d) If, during the period of any license issued pursuant to this sec-
36 tion, any change shall take place in any of the requirements of this
37 subsection, the licensee shall forthwith make a written report of such
38 change to the respective local authority.

39 SECTION 20. That Chapter 9, Title 23, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 23-911, Idaho Code, and to read as follows:

42 23-911. INVESTIGATION OF APPLICATIONS -- PENALTY FOR FALSE STATE-
43 MENTS. (1) Upon receipt of an application for a municipal license under
44 this act, accompanied by the necessary license fee, the county or city,

1 if the premises are within an incorporated city, within ninety (90) days
2 thereafter, may cause to be made a thorough investigation of all matters
3 pertaining thereto. If the county or city, if applicable, determines that
4 the contents of the application are true, that such applicant is qualified
5 to receive a license, and that the requirements of this act and the rules
6 promulgated by the county or city are met and complied with, it shall issue
7 such license; otherwise the application shall be denied and the license fee,
8 less the costs and expenses of investigation, returned to the applicant.

9 (2) In making an investigation pursuant to this section, the county or
10 city shall have the power to investigate and examine the books and records
11 of the licensee and any person having a financial interest in any business to
12 be conducted on the licensed premises, including, but not limited to, their
13 bank accounts, returns filed under the Idaho income tax act, as amended, and
14 any other sources of information deemed desirable by the county or city and
15 not specifically prohibited by law.

16 (3) If any false statement is made in any part of said application, or
17 any subsequent report, the applicant, or applicants, shall be deemed guilty
18 of a felony and upon conviction thereof shall be imprisoned in the state
19 prison for not less than one (1) year nor more than five (5) years and fined
20 not less than one thousand dollars (\$1,000) nor more than five thousand dol-
21 lars (\$5,000), or both such fine and imprisonment.

22 SECTION 21. That Chapter 9, Title 23, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 23-912, Idaho Code, and to read as follows:

25 23-912. RULES AND REGULATIONS -- FORMS AND RECORDS. (1) For the pur-
26 pose of the administration of state liquor licenses, the director shall
27 make, promulgate and publish such rules and regulations as said director
28 may deem necessary for carrying out the provisions of this act and for the
29 orderly and efficient administration of this section, and except as may be
30 limited or prohibited by law and the provisions of this act, such rules and
31 regulations so made and promulgated shall have the force of statute. With-
32 out limiting the generality of the provisions of this section, the director
33 shall be empowered and it is made his duty to prescribe forms to be used in
34 the administration of this act, the proof to be furnished and the conditions
35 to be observed in the issuance of state liquor licenses, prescribing forms
36 or records to be kept of the sale of liquor, prescribing notices required by
37 this act or the regulations thereof, and the manner of giving and serving
38 the same, prescribing, subject to the provisions of this act, the conditions
39 and qualifications necessary to transfer a license if allowed, the books
40 and records to be kept by the licensee, the form of returns to be made by
41 the licensee, and providing for the inspection of such licensed premises,
42 specifying and describing the place and manner in which the liquor may be
43 lawfully kept or stored, covering the conduct, management and equipment of
44 premises licensed to sell liquor and make regulations respecting the sale
45 and consumption of liquor.

46 (2) The licensing authority of any county or incorporated city shall
47 have and exercise the same powers to administer municipal licenses issued or
48 issuable by it as are granted to the director in this section.

1 (3) Every licensee shall advise himself of such rules and regulations,
2 and ignorance thereof shall be no defense.

3 SECTION 22. That Chapter 9, Title 23, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 23-913, Idaho Code, and to read as follows:

6 23-913. LICENSE FEES. (1) Each city council and board of county com-
7 missioners is authorized and empowered to impose and collect a onetime, non-
8 refundable application fee and the annual license fee from qualified appli-
9 cants.

10 (2) Each city council and board of county commissioners is authorized
11 and empowered to impose and collect an annual license fee for municipal li-
12 censes it issues in an amount not less than three thousand dollars (\$3,000).
13 In establishing the amount of such fee, a city or county may consider the im-
14 pacts of newly licensed establishments, including both direct and indirect
15 costs upon municipal services, maintenance of public safety and other costs
16 of managing municipal licenses.

17 (3) The director is hereby authorized and empowered to impose and col-
18 lect an annual license fee for state liquor licenses as follows:

19 (a) For each license in a city having a population of one thousand
20 (1,000) or less, three hundred dollars (\$300) per annum.

21 (b) For each license in a city having a population of one thousand
22 (1,000) to three thousand (3,000), five hundred dollars (\$500) per an-
23 num.

24 (c) For each license in a city having a population of more than three
25 thousand (3,000), seven hundred fifty dollars (\$750) per annum.

26 (d) For each railroad train for sale only in buffet, club or dining
27 cars, fifty dollars (\$50.00) per annum of the scheduled run of such
28 train within the state of Idaho; provided however, that such license
29 shall be in full, and in lieu of all other licenses provided for in this
30 section.

31 (e) For each common carrier boat line for sale only in buffet, club or
32 dining rooms, two hundred fifty dollars (\$250) per annum. Such license
33 shall be in full, and in lieu of all other licenses provided for in this
34 section.

35 (f) For each license issued to the owner, operator, or lessee of a golf
36 course as described in section 23-902, Idaho Code, or to the lessee of
37 any premises situate on such golf course, situate in any county having a
38 population of:

39 (i) Less than twenty thousand (20,000), two hundred dollars
40 (\$200) per annum;

41 (ii) Twenty thousand (20,000) but less than forty thousand
42 (40,000), three hundred dollars (\$300) per annum; and

43 (iii) Forty thousand (40,000) or more, four hundred dollars (\$400)
44 per annum.

45 (g) For each common carrier airline for sale only in common carrier air-
46 craft, two hundred fifty dollars (\$250) per annum. Such license shall
47 be in full, and in lieu of all other licenses provided for in this sec-
48 tion.

(h) For each license issued to the owner, operator, or lessee of a restaurant operated in an airport, as described in section 23-902, Idaho Code, situate within the corporate limits of a city, the fee shall be the same as provided in paragraphs (a) through (c) of this subsection.

(i) For each license issued to the owner, operator, or lessee of a restaurant operated in an airport, as described in section 23-902, Idaho Code, situate without the corporate limits of a city, the fee shall be the same as provided in paragraph (f) of this section. Licenses issued pursuant to the provisions of this chapter shall expire at 1:00 a.m. on the first day of January of the following year.

(j) For each license issued to an owner or operator of a year-round resort as described in section 23-902, Idaho Code, a onetime fee of twenty-five thousand dollars (\$25,000), with a subsequent renewal fee of three thousand five hundred dollars (\$3,500) per annum. For each license issued to an owner or operator of a beverage, lodging or dining facility within the premises of a year-round resort as described in section 23-902, Idaho Code, a onetime fee of twenty-five thousand dollars (\$25,000), with a subsequent renewal fee of three thousand five hundred dollars (\$3,500) per annum. For each license issued to a lessee of a beverage, lodging or dining facility within the premises of the year-round resort as described in section 23-902, Idaho Code, a onetime fee of twenty-five thousand dollars (\$25,000), with a subsequent renewal fee of three thousand five hundred dollars (\$3,500) per annum.

(4) Provided that any licensee who operates for only a portion of a year may have his license fee prorated from the date he commences operation to the end of the calendar year, but in no event for less than six (6) months.

(5) In the event a licensee who was previously issued a license on a prorated basis, pursuant to the provisions of this section, desires to have such license renewed for the same period for the next succeeding year, he shall file his intention to so apply for such license with the director, accompanied by the fee required for the issuance of such license on or before December 31 of the year preceding.

(6) The license fees provided for in this section are exclusive of and in addition to other license fees chargeable in the state of Idaho.

SECTION 23. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-915, Idaho Code, and to read as follows:

23-915. PERSONS NOT QUALIFIED TO BE LICENSED. No municipal license shall be issued to, nor shall a state liquor license be transferred, if allowed, to:

(1) Any person, or any one (1) of its members, officers, or governing board, who has, within three (3) years prior to the date of making application, been convicted of any violation of the laws of the United States, the state of Idaho, or any other state of the United States, or of the resolutions or ordinances of any county or city of this state, relating to the importation, transportation, manufacture or sale of alcoholic liquor or beer; or who has been convicted, paid any fine, been placed on probation, received a

1 deferred sentence, received a withheld judgment or completed any sentence of
2 confinement for any felony within five (5) years prior to the date of making
3 application for any license;

4 (2) A person who is engaged in the operation, or interested therein, of
5 any house or place for the purpose of prostitution or who has been convicted
6 of any crime or misdemeanor opposed to decency and morality;

7 (3) A person whose license issued under this act has been revoked;
8 an individual who was a member of a partnership or association that was a
9 licensee under this act and whose license has been revoked; an individual
10 who was an officer, member of the governing board or one (1) of the ten (10)
11 principal stockholders of a corporation that was a licensee under this act
12 and whose license has been revoked; a partnership or association, one (1) of
13 whose members was a licensee under this act and whose license was revoked; a
14 corporation, one (1) of whose officers, members of the governing board or ten
15 (10) principal stockholders was a licensee under the provisions of this act
16 and whose license has been revoked; an association or partnership, one (1) of
17 whose members was a member of a partnership or association licensed under the
18 provisions of this act and whose license has been revoked; a partnership or
19 association, one (1) of whose members was an officer, a member of the govern-
20 ing board, or one (1) of the ten (10) principal stockholders of a corporation
21 licensed under the provisions of this act and whose license has been revoked;
22 a corporation, one (1) of whose officers, members of the governing board, or
23 ten (10) principal stockholders was a member of a partnership or association
24 licensed under the provisions of this act and whose license was revoked;
25 a corporation, one (1) of whose officers, members of the governing board,
26 or ten (10) principal stockholders was an officer, member of the governing
27 board, or one (1) of the ten (10) principal stockholders of a corporation
28 licensed under the provisions of this act and whose license was revoked;

29 (4) Any officer, agent, or employee of any distillery, winery, brewery,
30 or any wholesaler, or jobber, of liquor or malt beverages except as provided
31 in section 23-918, Idaho Code. This prohibition shall not apply to offi-
32 cers, agents, or employees of any winery operating a golf course on the same
33 premises as the winery; or

34 (5) A person who does not hold a retail beer license issued by the state
35 of Idaho.

36 (6) Any license, held by any licensee disqualified under the provisions
37 of this section from being issued a license, shall forthwith be revoked.

38 SECTION 24. That Chapter 9, Title 23, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 23-916, Idaho Code, and to read as follows:

41 23-916. LICENSEE NOT ALLOWED NEAR CHURCHES OR SCHOOLS -- EXCEP-
42 TIONS. No municipal or state liquor license shall be issued or transferred,
43 respectively, to any premises in any neighborhood that is predominantly
44 residential or within three hundred (300) feet of any public school, church,
45 or any other place of worship, measured in a straight line to the nearest en-
46 trance to the licensed premises, except with the approval of the city council
47 or board of county commissioners; provided however, that this limitation
48 shall not apply to any duly licensed premises that at the time of licensing

1 did not come within the restricted area, but subsequent to licensing came
2 within the restricted area.

3 SECTION 25. That Chapter 9, Title 23, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 23-917, Idaho Code, and to read as follows:

6 23-917. RESTRICTIONS ON MANUFACTURERS, TRANSPORTERS OR DIS-
7 TILLERS. Except as provided in sections 23-915 and 23-918, Idaho Code, no
8 manufacturer, rectifier, wholesaler, stockholder, shareholder, partner or
9 the owner of any other interest in any corporation, association or partner-
10 ship financially interested in the manufacture, transportation or sale of
11 liquor shall furnish, give, rent, lend or sell any equipment or fixtures di-
12 rectly or indirectly, or through a subsidiary or affiliate or by any officer,
13 director or firm member of the industry or otherwise furnish financial aid
14 to any person engaged in the sale of liquor pursuant to this section and no
15 licensee pursuant to this section shall receive or be the beneficiary of any
16 of the benefits hereby prohibited.

17 SECTION 26. That Chapter 9, Title 23, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 23-918, Idaho Code, and to read as follows:

20 23-918. RESTRICTIONS OF PERSONS INTERESTED IN PREMISES. (1) Except
21 as provided in subsection (2) of this section, no manufacturer, rectifier,
22 wholesaler, stockholder, shareholder, partner or the owner of any other
23 interest in any corporation, association or partnership financially inter-
24 ested in the manufacture, transportation (except public carriers), or sale
25 of liquor shall hold any interest in any premises licensed pursuant to this
26 section for the sale of liquor or receive any rental or remuneration from any
27 such premises.

28 (2) A manufacturer, rectifier, wholesaler, stockholder, shareholder,
29 partner or the owner of any interest in any corporation, association or part-
30 nership financially interested in the manufacture, transportation or sale
31 of liquor may hold interest in a licensed premises if the licensed premises
32 serves food cooked on the site of the licensed premises, and the person or en-
33 tity can show through recordkeeping that no more than fifty percent (50%) of
34 the gross revenue to the licensed premises is derived from the sale of alco-
35 holic beverages on site. The owner of the licensed premises pursuant to this
36 subsection shall comply with and be subject to all other rules, regulations
37 or other provisions of law that apply to manufacturers, rectifiers, whole-
38 salers, stockholders, shareholders, partners or the owners of any interest
39 in any corporation, association or partnership financially interested in
40 the manufacture, transportation or sale of liquor save and except as such
41 rules, regulations or laws may restrict such sales at the licensed premises.
42 The holder of a license pursuant to this section shall not be disqualified
43 from holding a beer license, a retail wine license or wine by the drink li-
44 cense for the sale of beer or wine at the licensed premises on the grounds
45 that the licensee is also a manufacturer, wholesaler, stockholder, share-
46 holder, partner or the owner of any interest in any corporation, association

1 or partnership financially interested in the manufacture, transportation or
2 sale of liquor, beer or wine. This subsection shall not be deemed to grant a
3 license for the retail sale of liquor by the drink, and the license must be
4 obtained through normal lawful means.

5 SECTION 27. That Chapter 9, Title 23, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 23-919, Idaho Code, and to read as follows:

8 23-919. FORM OF LICENSE -- AUTHORITY -- EXPIRATION -- LIMITATIONS. (1)
9 Every municipal license issued under the provisions of this chapter shall
10 set forth the name of the person to whom it is issued, the location by street
11 and number, or other definite designation of the premises, and such other in-
12 formation as the county or city, if the premises are within an incorporated
13 city, shall deem necessary. If issued to a partnership, the names of the per-
14 sons constituting such partnership shall be set forth in the application.
15 If issued to a corporation or association, the names of the principal offi-
16 cers and the governing board shall be set forth in the application. Such li-
17 cense shall be signed by the licensee and prominently displayed in the place
18 of business at all times.

19 (2) Such municipal license shall be site-specific and not be trans-
20 ferred to any other location or person.

21 (3) Every municipal and state liquor license is separate and distinct
22 and no person except the licensee therein named, except as otherwise pro-
23 vided in this section, shall exercise any of the privileges granted thereun-
24 der. All licenses shall expire at 1:00 a.m. on the first day of the renewal
25 month which shall be determined by rule and shall be subject to annual re-
26 newal upon proper application. Renewal applications for liquor by the drink
27 licenses accompanied by the required fee must be filed on or before the first
28 day of the designated renewal month. Any licensee holding a valid license
29 who fails to file an application for renewal of his current license on or be-
30 fore the first day of the designated renewal month shall have a grace period
31 of an additional thirty-one (31) days in which to file an application for re-
32 newal of the license. The licensee shall not be permitted to sell and dis-
33 pensate liquor by the drink at retail during the thirty-one (31) day extended
34 time period unless and until the license is renewed.

35 (4) An application to transfer any state liquor license shall be made to
36 the director. Upon receipt of such an application, the director shall make
37 the same investigation and determinations with respect to the transferee as
38 are required by sections 23-910 and 23-911, Idaho Code, and if the director
39 shall determine that all of the conditions required of a licensee under this
40 chapter have been met by the proposed transferee, then the license shall be
41 endorsed over to the proposed transferee by said licensee for the remainder
42 of the period for which such license has been issued and the director shall
43 issue a license to the transferee.

44 (5) The director, in his discretion, may deny the transfer of a license
45 during the pendency of any proceedings for suspension or revocation that
46 were instituted pursuant to the terms of this chapter.

47 (6) The fee for transferring a state liquor license shall be ten percent
48 (10%) of the purchase price of the state liquor license or the cost of good

1 will, whichever is greater; except no fee shall be collected in the following
2 events:

- 3 (a) The transfer of a license between husband and wife in the event of a
4 property division;
5 (b) The transfer of a license to a receiver, trustee in bankruptcy or
6 similar person or officer;
7 (c) The transfer of a license to the heirs or personal representative of
8 the estate in the event of the death of the licensee;
9 (d) The transfer of a license arising out of the dissolution of a part-
10 nership where the license is transferred to one (1) or more of the part-
11 ners; or
12 (e) The transfer of a license within a family, whether an individual,
13 partnership or corporation.
14 (7) The fee for transferring a state liquor license for other than a
15 sale shall be fifty percent (50%) of the per annum license fee for state
16 liquor licenses set forth in section 23-913, Idaho Code, except no fee shall
17 be collected for transfers as outlined in subsection (6) of this section.

18 SECTION 28. That Chapter 9, Title 23, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 23-920, Idaho Code, and to read as follows:

21 23-920. RESTRICTION AGAINST TRANSFER OF STATE LIQUOR LICENSES. (1) No
22 state liquor license shall be transferred, assigned, leased or sold if:

- 23 (a) The state liquor license when issued was not transferable;
24 (b) The state tax commission has notified the director and the licensee
25 in writing that any tax imposed by chapters 30 and 36, title 63, Idaho
26 Code, interest, penalty, and additional amount, which has accrued as a
27 result of the operation of the licensed premises, has been assessed as
28 that term is described in section 63-3045A, Idaho Code, against the li-
29 censee or any person operating the licensed premises with the permis-
30 sion of the licensee; or
31 (c) The department of labor has notified the director and the licensee
32 in writing that a lien has been filed against the licensee or any person
33 operating the licensed premises with the permission of the licensee, as
34 a result of the operation of the licensed premises securing amounts due
35 pursuant to chapter 13, title 72, Idaho Code.
36 (2) At such time as the state tax commission or the department of la-
37 bor has notified the director and licensee as provided in this section, the
38 license issued for the premises, the operation of which has resulted in the
39 accrual of the tax for which the warrant or lien is outstanding, shall be sub-
40 ject to levy and distraint pursuant to chapter 30, title 63, Idaho Code, or
41 seizure pursuant to section 72-1360A, Idaho Code.

42 SECTION 29. That Chapter 9, Title 23, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 23-921, Idaho Code, and to read as follows:

45 23-921. SUSPENSION, REVOCATION AND REFUSAL TO RENEW LICENSES. (1) The
46 director may suspend, revoke or refuse to renew a state liquor license for

1 any violation of, or failure to comply with, the provisions of this chapter
2 or rules and regulations promulgated by the director pursuant to the terms
3 and conditions of this chapter. Procedures for the suspension, revocation
4 or refusal to renew licenses issued under this chapter shall be in accordance
5 with the provisions of chapter 52, title 67, Idaho Code.

6 (2) When the director determines to suspend such license, the affected
7 licensee may petition the director, prior to the effective date of the sus-
8 pension, requesting that a monetary payment be allowed in lieu of the license
9 suspension. If the director determines such payment to be consistent with
10 the purpose of the laws of the state of Idaho and is in the public interest, he
11 shall establish a monetary payment in an amount not to exceed five thousand
12 dollars (\$5,000). The licensee may reject the payment amount determined by
13 the director, and instead be subject to the suspension provisions of subsec-
14 tion (1) of this section. Upon payment of the amount established, the direc-
15 tor shall cancel the suspension period. The director shall cause any payment
16 to be paid to the treasurer of the state of Idaho for disposition consistent
17 with section 23-923, Idaho Code.

18 (3) The director may adopt guidelines and rules, which shall be avail-
19 able to licensees and members of the public, stating the minimum and maxi-
20 mum periods of suspensions or minimum and maximum amounts of monetary pay-
21 ments the division will consider in lieu of the imposition of suspensions for
22 particular violations of the provisions of this title. Guidelines and rules
23 adopted by the division shall not prevent, or be construed to prohibit, the
24 director from imposing a greater or lesser period of suspension, or imposing
25 a greater or lesser monetary payment, within the limits established by this
26 section, based upon aggravated or extenuating circumstances found to exist
27 by the director.

28 (4) The suspension of a license for the sale of beer or wine shall auto-
29 matically result in the suspension of any state or municipal license for the
30 sale of liquor held by the same licensee and issued for the same premises.
31 Such additional suspension shall be equal in length to and run concurrently
32 with the period of the original suspension.

33 (5) When a proceeding to revoke or suspend a state liquor license has
34 been or is about to be instituted, during the time when renewal of such state
35 liquor license is pending before the director, the director shall renew the
36 state liquor license notwithstanding the pending proceedings, but such re-
37 newed state liquor license may be revoked or suspended without hearing if and
38 when the previous state liquor license is, for any reason, revoked or sus-
39 pended.

40 SECTION 30. That Chapter 9, Title 23, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
42 ignated as Section 23-921A, Idaho Code, and to read as follows:

43 23-921A. LICENSES -- SUSPENSION OR REVOCATION FOR VIOLATION OF OB-
44 SCENITY LAWS. In the event of a conviction for a violation of chapter 41,
45 title 18, Idaho Code, relating to obscenity, by any:

46 (1) Licensee;

47 (2) Agent of licensee; or

1 (3) Employee of licensee if such licensee knew or should have known in
2 the exercise of reasonable diligence that said employee was violating the
3 provisions of chapter 41, title 18, Idaho Code.

4 If the violation committed by any of the above occurred on, or in connection
5 with, premises licensed under this act by such licensee, the director shall
6 suspend the license of such licensee for a period of six (6) months. If such
7 licensee, or his agent or employee, has previously been convicted of a viola-
8 tion of chapter 41, title 18, Idaho Code, relating to obscenity, which viola-
9 tion occurred on, or in connection with, the premises licensed under this act
10 by such licensee, the director shall revoke the license of such licensee.

11 SECTION 31. That Chapter 9, Title 23, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 23-922, Idaho Code, and to read as follows:

14 23-922. SELLING LIQUOR WITHOUT LICENSE -- PENALTY. Any person who
15 sells or keeps for sale any liquor without a license as provided in this act
16 shall be guilty of a felony and upon conviction thereof shall be fined not
17 less than one thousand dollars (\$1,000) nor more than five thousand dollars
18 (\$5,000), or be imprisoned in the state prison for not less than one (1) year
19 nor more than five (5) years, or both such fine and imprisonment.

20 SECTION 32. That Chapter 9, Title 23, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 23-923, Idaho Code, and to read as follows:

23 23-923. LICENSEES MUST PURCHASE FROM STATE LIQUOR DIVISION --
24 PRICE. All liquor, excluding wine and beer, sold by any licensee shall be
25 purchased from the state liquor division through its regular retail stores
26 and distributors at the posted price thereof, except as provided in section
27 23-917, Idaho Code. The state liquor division is hereby authorized and di-
28 rected to make such sales in accordance with section 23-309, Idaho Code, to
29 be paid at the time of purchase upon a special permit issued to such licensee
30 in such form as shall be prescribed by the state liquor division. The "posted
31 price" as used in this section means the retail price of such liquor as fixed
32 and determined by the state liquor division.

33 SECTION 33. That Chapter 9, Title 23, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 23-924, Idaho Code, and to read as follows:

36 23-924. OFFICERS MAY EXAMINE PREMISES. (1) The director or his duly
37 authorized representative, the sheriff of any county, or other police offi-
38 cer, shall have the right at any time to make an examination of the premises
39 of any licensee as to whether the laws of the state of Idaho, the rules and
40 regulations of the director, and the ordinances of any county or city are be-
41 ing complied with, and shall also have the right to inspect the cars of any
42 railroad system licensed under this act.

43 (2) Minors may assist with random, unannounced inspections with the
44 written consent of a parent or legal guardian. When assisting with these in-

1 specctions, minors shall not provide false identification, nor make any false
2 statements regarding their age.

3 SECTION 34. That Chapter 9, Title 23, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 23-925, Idaho Code, and to read as follows:

6 23-925. OFFICERS MAY SEIZE ILLEGAL LIQUOR. (1) It shall be unlawful
7 for any licensee to sell, or keep for sale, or have on his premises for any
8 purpose whatsoever, any liquor except liquor produced on the premises by
9 a licensed distiller or purchased as authorized and provided in this sec-
10 tion, and any licensee found in possession of, selling or keeping for sale
11 any liquor not purchased as authorized in this section shall be guilty of a
12 felony and upon conviction thereof shall be fined not less than one thousand
13 dollars (\$1,000) nor more than five thousand dollars (\$5,000), or by impris-
14 onment in the state prison for not more than five (5) years, or by both such
15 fine and imprisonment. Any license issued to such person shall be immedi-
16 ately and permanently revoked. The amount of liquor to be sold to licensees
17 pursuant to this section in any city or village shall be determined by the
18 administrator or other executive officer of the state liquor division, but
19 such sales shall be regulated so as to maintain adequate stocks of merchan-
20 dise for sale to persons other than said licensees.

21 (2) The director, or any of his agents, any sheriff, or other police of-
22 ficer who shall find any liquor kept or held by any person in violation of
23 the provisions of this act may forthwith seize and remove the same and keep
24 the same as evidence and, upon conviction of the person for violation of the
25 provisions of this section, the said liquor, and all packages or receptacles
26 containing the same, shall be forfeited to the state of Idaho and, in addi-
27 tion, the person so violating this act shall be subject to the other penal-
28 ties prescribed in this section.

29 (3) The provisions of this section notwithstanding, common carriers
30 shall have the right to have in their possession liquors other than those
31 purchased from the Idaho state liquor division.

32 SECTION 35. That Sections 23-926, 23-927 and 23-928, Idaho Code, be,
33 and the same are hereby repealed.

34 SECTION 36. That Chapter 9, Title 23, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 23-926, Idaho Code, and to read as follows:

37 23-926. POSTING SIGNS AS TO RESTRICTION. Every licensee referred to in
38 this title shall keep a sign conspicuously posted over or near each entrance
39 to any place from which persons less than twenty-one (21) years of age are re-
40 stricted pursuant to this section giving public notice of such fact. Such
41 sign shall contain the following words in lettering of at least one (1) inch
42 in height: "Admittance of persons under twenty-one (21) years of age prohib-
43 ited by law."

1 SECTION 37. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-927, Idaho Code, and to read as follows:

4 23-927. SALE AWAY FROM LICENSED PREMISES PROHIBITED -- GAMING PROHIB-
5 ITED. (1) It shall be unlawful for any licensee to sell, give away, dispense,
6 vend or deliver any liquor in any fashion or by means or device, except upon
7 the licensed premises, unless permitted pursuant to section 23-928, Idaho
8 Code, or expressed written permission granted by the director for state
9 liquor licenses or the county or city for municipal licenses in response to
10 damage or destruction that causes the closure of the premises.

11 (2) It shall be unlawful for any licensee granted a license under the
12 authority of this title to permit, conduct, play, carry on, open or cause to
13 be opened any gaming in or on the licensed premises or in or on any premises
14 directly connected by a door, hallway or other means of access from the li-
15 censed premises. Any licensee authorized under the authority of this title
16 and who is also authorized by other Idaho law to conduct the lawful activ-
17 ities of lottery, bingo, raffles and pari-mutuel betting on the licensed
18 premises shall be exempt from the provisions of this subsection as long as
19 the lawful activities are conducted in conformity with statute and rules
20 promulgated pursuant thereto.

21 SECTION 38. That Chapter 9, Title 23, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 23-928, Idaho Code, and to read as follows:

24 23-928. ALCOHOL BEVERAGE CATERING PERMIT -- APPLICATION. An alcohol
25 beverage catering permit is a permit issued pursuant to this section which
26 authorizes the permittee to serve and sell liquor by the drink, beer and
27 wine, or beer or wine, at a party or convention, for a period of time not
28 to exceed three (3) consecutive days. An alcohol beverage catering permit
29 shall be limited to authorization to sell liquor or beer or wine, or any
30 combination thereof, based upon the type of license that the applicant pos-
31 sesses. Applications for such permit shall be made to the city within which
32 the liquor, beer or wine is to be served, or if not within a city, then to the
33 county, on such form as prescribed by the city or county that shall contain at
34 a minimum, but not limited to, the following information:

35 (1) The name and address of the applicant and the number of his liquor,
36 beer or wine license;

37 (2) The dates and hours during which the permit is to be effective, not
38 to exceed three (3) consecutive days;

39 (3) The names of the organizations, groups or persons sponsoring the
40 event; and

41 (4) The address at which the liquor, beer or wine is to be served and,
42 if a public building, the rooms in which the liquor, beer or wine is to be
43 served.

44 The application shall be verified by the applicant and filed with the
45 appropriate governing body or its designee. A filing fee in the amount of
46 thirty dollars (\$30.00) for each day the permit is to be effective shall be
47 paid to the treasury of the governing body, which fee shall not be refunded in

1 any event. Any alcohol beverage catering permit shall be valid only within
2 the issuing jurisdiction.

3 SECTION 39. That Chapter 9, Title 23, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 23-929, Idaho Code, and to read as follows:

6 23-929. FILING OF APPLICATION -- APPROVAL. Upon the filing of an ap-
7 plication for an alcohol beverage catering permit, the city council or its
8 designee, or board of county commissioners receiving the application shall,
9 upon the advice and recommendation of the chief of police or sheriff, approve
10 or disapprove the application and indicate the determination on the face of
11 the application by endorsement signed by the clerk of the city or county.
12 Copies of the application with signed endorsements thereon shall be mailed
13 or delivered immediately to the chief of police or sheriff and the applicant,
14 and a signed copy shall be retained by the clerk. An application approved in
15 this manner shall constitute an alcohol beverage catering permit.

16 SECTION 40. That Sections 23-930, 23-931, 23-932, 23-933, 23-933A,
17 23-933B, 23-934, 23-934A, 23-934B, 23-934C, 23-935, 23-936, 23-937, 23-938,
18 23-939, 23-941, 23-942, 23-943, 23-943A, 23-944, 23-945, 23-946, 23-947,
19 23-948, 23-949, 23-950, 23-951, 23-952, 23-953, 23-954, 23-955, 23-956 and
20 23-957, Idaho Code, be, and the same are hereby repealed.

21 SECTION 41. That Chapter 9, Title 23, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 23-930, Idaho Code, and to read as follows:

24 23-930. REGULATORY AND PENALTY PROVISIONS APPLICABLE. All of the reg-
25 ulatory and penal provisions of this title shall apply to the exercise of
26 alcohol beverage catering permits, including the penalties for violations
27 thereof, except such provisions declared to be inapplicable to alcohol bev-
28 erage catering permits by rule; provided however, neither the director nor
29 any county or city shall have the power to declare inapplicable any of the
30 provisions of section 23-932, Idaho Code.

31 SECTION 42. That Chapter 9, Title 23, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 23-931, Idaho Code, and to read as follows:

34 23-931. DESTRUCTION OF STAMPS -- SANITARY REQUIREMENTS. It shall be
35 the duty of any licensee hereunder immediately, upon emptying any liquor
36 container, to deface, so that the same may not again be used, all government
37 or state stamps or labels. Any licensed premises shall be maintained in
38 sanitary condition according to the requirements of the Idaho Code and any
39 city or county ordinance pertaining thereto, and any such person who fails to
40 perform the duty provided in this section shall be guilty of a misdemeanor.

41 SECTION 43. That Chapter 9, Title 23, Idaho Code, be, and the same is
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
43 ignated as Section 23-932, Idaho Code, and to read as follows:

1 23-932. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered
2 for sale, or given away upon any licensed premises or under a permit, and all
3 liquor not in sealed bottles must be locked in a separate room or cabinet dur-
4 ing the following hours:

5 (a) Sunday, Memorial Day, Thanksgiving and Christmas from 1:00 a.m. to
6 10:00 a.m. the following day; provided however, that on any Sunday not
7 otherwise being a prescribed holiday, it shall be lawful for a licensee
8 having banquet area or meeting room facilities, separate and apart from
9 the usual dispensing area (barroom) and separate and apart from a normal
10 public dining room unless such dining room is closed to the public, to
11 therein dispense liquor between the hours of 2:00 p.m. and 11:00 p.m.
12 to bona fide participants of banquets, receptions or conventions for
13 consumption only within the confines of such banquet area or meeting
14 room facility;

15 (b) On any other day between 1:00 a.m. and 10:00 a.m.; or

16 (c) When any city or county has any ordinance further limiting the hours
17 of sale of liquor by the drink, then such hours shall be fixed by such
18 ordinance.

19 (2) A county or city may, however, by ordinance, allow the sale of
20 liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also
21 extend until 2:00 a.m. the hours of the sale of liquor by the drink.

22 (3) Any patron present on the licensed premises after the sale of liquor
23 has stopped as provided in subsections (1) and (2) of this section shall have
24 a reasonable time, not to exceed thirty (30) minutes, to consume any bever-
25 ages already served.

26 (4) Any person who consumes or intentionally permits the consumption of
27 any alcoholic beverage upon licensed premises after the time provided for in
28 subsection (3) of this section shall be guilty of a misdemeanor.

29 (5) It shall be the duty of every person who is employed at or on a li-
30 censed premises or who owns or manages a licensed premises and is present on
31 the licensed premises, during the hours and at the time set forth in subsec-
32 tions (1) and (2) of this section, to lock up and keep locked up in a locked
33 room or locked cabinet all unsealed containers of liquor during the hours and
34 at the times set forth in subsections (1) and (2) of this section, and any
35 such person who fails to perform the duty provided in this section shall be
36 guilty of a misdemeanor.

37 SECTION 44. That Chapter 9, Title 23, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 23-933, Idaho Code, and to read as follows:

40 23-933. DUTY OF PUBLIC OFFICERS. It is hereby made the duty of the di-
41 rector, prosecuting attorneys, sheriffs and peace officers of the counties
42 or incorporated cities, knowing of any violation of this act, to make com-
43 plaint before the proper tribunal and perform the duties of their offices
44 with respect to the prosecution and conviction of such offenders. Any such
45 officer knowingly refusing to inform against or prosecute any offender under
46 the provisions of this act shall be subject to action against him as provided
47 in chapter 41, title 19, Idaho Code.

1 SECTION 45. That Sections 23-1020 and 23-1022, Idaho Code, be, and the
2 same are hereby repealed.

3 SECTION 46. That Title 23, Idaho Code, be, and the same is hereby
4 amended by the addition thereto of a NEW CHAPTER, to be known and designated
5 as Chapter 12, Title 23, Idaho Code, and to read as follows:

6 CHAPTER 12
7 CLERK AND SERVER TRAINING

8 23-1201. DEFINITIONS. The following words and phrases used in this
9 chapter shall be given the following interpretation:

10 (1) "Alcoholic beverage" or "alcohol beverage" means any beverage con-
11 taining alcohol which is a product of distillation of any fermented liquor or
12 synthetic ethyl alcohol, including, but not limited to, beer, wine, spirits
13 or any liquid containing beer, wine or spirits.

14 (2) "Approved alcohol training program" means a program that is de-
15 signed to educate clerks or servers of alcohol on laws and rules regarding
16 the sale and service of alcoholic beverages, the effects of alcohol on the
17 human body, methods of identifying intoxicated persons and refusing to sell
18 or serve alcohol to those persons, and methods for checking and identifying
19 legal identification, and is either approved by the director or listed in
20 section 23-1202, Idaho Code.

21 (3) "Clerk" means an individual who, as an employee of a grocery store,
22 convenience store, or general retail outlet, can legally sell alcoholic bev-
23 erages for consumption off-premises.

24 (4) "Director" means the director of the Idaho state police.

25 (5) "Licensee" means the person to whom a beer, wine or municipal or
26 state liquor by the drink license is issued under the provisions of law.

27 (6) "Off-premises retailer" means any place alcoholic beverages are
28 sold but cannot be consumed on the premises. Off-premises retailers in-
29 clude, but are not limited to, grocery stores, convenience stores and
30 general retail outlets.

31 (7) "Premises" means the building and contiguous property owned,
32 leased or used by a licensee as part of the business establishment for the
33 sale of alcoholic beverages at retail.

34 (8) "Server" means any person serving or selling any alcoholic bever-
35 ages, including spirits, wine or beer for consumption on a licensed premises
36 as a requirement of employment, and any person managing those employees.
37 Servers include, but are not limited to, waiters, waitresses, bartenders,
38 and managers of waiters, waitresses and bartenders.

39 23-1202. APPROVED TRAINING. (1) Only the alcohol training programs
40 listed in this section or equivalent programs as approved by the director
41 will be recognized as complying with the provisions of this chapter.

42 (2) Approved alcohol training programs must include an examination
43 covering the following topics: monitoring a patron's behavior, recogniz-
44 ing intoxicated patrons, checking identification, recognizing false and
45 altered identification, providing alternatives to alcoholic beverages,

1 problem-solving in dealing with intoxicated or belligerent patrons and fa-
2 miliarity with Idaho laws and rules pertaining to alcoholic beverages.

3 (3) "ServSafe alcohol" programs of the national restaurant association
4 are found to comply with the requirements of this chapter.

5 (4) "Training for intervention procedures" (TIPS) programs of health
6 communications, inc. are found to comply with the requirements of this chap-
7 ter.

8 23-1203. MANDATORY TRAINING -- ON-PREMISES SALES. (1) Any person em-
9 ployed as a server on the effective date of this chapter must complete an ap-
10 proved alcohol training program within one hundred twenty (120) days of the
11 effective date of this chapter or be able to provide proof that they have re-
12 ceived a current valid certificate from an approved training program within
13 the past three (3) years.

14 (2) Any person who is hired after the effective date of this chapter as a
15 server shall complete an approved alcohol training program within sixty (60)
16 days.

17 (3) The licensee shall ensure that each server employed on the premises
18 is trained or completes an approved alcohol training program in the appro-
19 priate time frame pursuant to this section and maintains documentation of
20 such training, and provides such documentation at the request of the direc-
21 tor.

22 23-1204. VOLUNTARY TRAINING -- OFF-PREMISES RETAILER. (1) Any per-
23 son employed as a clerk on or after the effective date of this act for
24 off-premises sales pursuant to the provisions of this title is encouraged to
25 complete an approved alcohol training program outlined in section 23-1202,
26 Idaho Code.

27 (2) The clerk shall maintain documentation of such training, and pro-
28 vide such documentation at the request of the director.

29 23-1205. ENFORCEMENT. (1) Any server who violates section 23-1203
30 Idaho Code, shall be subject to an administrative fine imposed by the direc-
31 tor not to exceed five hundred dollars (\$500) plus costs of prosecution and
32 administrative costs of bringing the action including, but not limited to,
33 attorney's costs and fees and costs of hearing transcripts.

34 (2) Any licensee who violates section 23-1203(3), Idaho Code, shall
35 be subject to an administrative fine imposed by the director not to exceed
36 one thousand dollars (\$1,000) plus costs of prosecution and administrative
37 costs of bringing the action including, but not limited to, attorney's costs
38 and fees and costs of hearing transcripts.

39 (3) Nothing in this section shall be construed as barring criminal
40 prosecutions for violations of this title where such violations are deemed
41 criminal offenses.

42 (4) All final decisions by the director shall be subject to judicial re-
43 view pursuant to the procedures of the administrative procedure act.

44 SECTION 47. That Chapter 13, Title 23, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
46 ignated as Section 23-1304A, Idaho Code, and to read as follows:

1 23-1304A. CERTIFICATION OF ELECTION RESULTS OR COUNTY RESOLUTION TO
2 DIRECTOR. (1) In the event that the board of county commissioners has, by
3 resolution pursuant to section 23-1304, Idaho Code, provided that the re-
4 tail sale of table wine or dessert wine shall be permitted within the county,
5 certification of such resolution shall be made to the director, in addition
6 to the certification to the director, and a retail wine license shall there-
7 after be issued for premises within such county as long as such resolution
8 remains in effect.

9 (2) In the event an election is held pursuant to section 23-1304, Idaho
10 Code, upon a canvass of the votes cast, the county recorder shall certify,
11 in addition to the certification to the director, the result thereof to the
12 director.

13 (3) The last resolution adopted prior to the effective date of this
14 act pursuant to section 23-1304(a), Idaho Code, which has not been revoked,
15 shall continue to have the effect resulting from said resolution, unless
16 subsequently amended or revoked. The results of the last election held
17 pursuant to section 23-1304(b), Idaho Code, or on the written petition of
18 registered electors pursuant thereto, prior to the effective date of this
19 act, shall have the effect resulting from the canvass of votes at said elec-
20 tion, unless or until an election or subsequent resolution changes such
21 result subsequent to the effective date of this act.

22 SECTION 48. That Section 23-1331, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES AND
25 PERMITS -- MONETARY PENALTY. (1) The director may suspend, revoke, or refuse
26 to renew a retail wine license, wine by the drink license, wine distributor's
27 license, wine importer's license, winery license, wine direct shipper's
28 permit or vintner's license issued pursuant to the terms of this chapter for
29 any violation of or failure to comply with the provisions of this chapter or
30 rules and regulations promulgated by the director or the state tax commis-
31 sion pursuant to the terms and conditions of this chapter. Manufacturing
32 or bottling functions of a winery shall not be subject to suspension, re-
33 vocation or nonrenewal of a license, except for violations of law directly
34 related to the manufacturing or bottling activities of the winery. Proce-
35 dures for the suspension, revocation or refusal to grant or renew licenses
36 issued under this chapter shall be in accordance with the provisions of chap-
37 ter 52, title 67, Idaho Code.

38 (2) When the director determines to suspend such license, the affected
39 licensee may petition the director prior to the effective date of the sus-
40 pension requesting that a monetary payment be allowed in lieu of the license
41 suspension. If the director determines such payment to be consistent with
42 the purpose of the laws of the state of Idaho and is in the public interest, he
43 shall establish a monetary payment in an amount not to exceed five thousand
44 dollars (\$5,000). The licensee may reject the payment amount determined by
45 the director, and instead be subject to the suspension provisions of subsec-
46 tion (1) of this section. Upon payment of the amount established, the direc-
47 tor shall cancel the suspension period. The director shall cause any payment

1 to be paid to the treasurer of the state of Idaho for credit to the state's
2 general account in the state operating fund.

3 (3) The suspension of a license for the sale of liquor or beer shall au-
4 tomatically result in the suspension of any license for the sale of wine held
5 by the same licensee and issued for the same premises or location. Such ad-
6 ditional suspension shall be equal in length to and run concurrently with the
7 period of the original suspension.

8 (4) The director shall adopt and utilize guidelines and rules, which
9 shall be available to licensees and members of the public, stating general
10 policies of the division concerning minimum and maximum periods of suspen-
11 sions or minimum and maximum amounts for monetary payments that the division
12 will consider in lieu of the imposition of suspensions for particular viola-
13 tions of the provisions of this title. Guidelines and rules adopted by the
14 division, as provided in this section, shall not prevent or be construed to
15 prohibit the director from imposing a greater or lesser period of suspen-
16 sion, or imposing a greater or lesser monetary payment, within the limits
17 established by this section, based upon aggravated or extenuating circum-
18 stances found to exist by the director.

19 (5) When a proceeding to revoke or suspend a license has been or is about
20 to be instituted, during the time a renewal application of such license is
21 pending before the director, the director shall renew the license notwith-
22 standing the pending proceedings, but such renewed license may be revoked or
23 suspended without hearing if and when the previous license is, for any rea-
24 son, revoked or suspended.

25 SECTION 49. That Section 23-1335, Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 50. That Section 18-7803, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 18-7803. DEFINITIONS. As used in this chapter, (a) "Racketeering"
30 means any act which is chargeable or indictable under the following sections
31 of the Idaho Code or which are equivalent acts chargeable or indictable as
32 equivalent crimes under the laws of any other jurisdiction:

33 (1) Homicide (section 18-4001, Idaho Code);

34 (2) Robbery, burglary, theft, forgery, counterfeiting, and related
35 crimes (sections 18-1401, 18-1405, 18-2403, 18-2407, 18-3123, 18-3124,
36 18-3125, 18-3601, 18-3602, 18-3603, 18-3605, 18-3606, 18-3607,
37 18-3609, 18-3610, 18-3614, 18-3615, 18-4630, 18-6501 and 49-518, Idaho
38 Code);

39 (3) Kidnapping (section 18-4501, Idaho Code);

40 (4) Prostitution (sections 18-5601, 18-5602, 18-5603, 18-5604,
41 18-5605, 18-5606, 18-5608 and 18-5609, Idaho Code);

42 (5) Arson (sections 18-801, 18-802, 18-803, 18-804 and 18-805, Idaho
43 Code);

44 (6) Assault (sections 18-908 and 18-4015, Idaho Code);

45 (7) Lotteries and gambling (sections 18-3801, 18-3802, 18-3809,
46 18-4902, 18-4903, 18-4904, 18-4905, 18-4906 and 18-4908, Idaho Code);

1 (8) Indecency and obscenity (sections 18-1515, 18-1518, 18-4103,
2 18-4103A, 18-4104, 18-4105, 18-4105A and 18-4107, Idaho Code);
3 (9) Poisoning (sections 18-4014 and 18-5501, Idaho Code);
4 (10) Fraudulent practices, false pretenses, insurance fraud, finan-
5 cial transaction card crimes and fraud generally (sections 18-2403,
6 18-2706, 18-3002, 18-3101, 18-3124, 18-3125, 18-3126, 18-6713, 41-293,
7 41-294 and 41-1306, Idaho Code);
8 (11) Alcoholic beverages (sections 23-602, 23-606, 23-610, 23-703,
9 23-~~905~~10, 23-922, 23-~~914~~23, and 23-~~928~~7, ~~23-934 and 23-938~~, Idaho
10 Code);
11 (12) Cigarette taxes (sections 63-2505 and 63-2512(b), Idaho Code);
12 (13) Securities (sections 30-14-401, 30-14-402, 30-14-403, 30-14-404,
13 30-14-501, 30-14-502, 30-14-505 and 30-14-506, Idaho Code);
14 (14) Horseracing (section 54-2512, Idaho Code);
15 (15) Interest and usurious practices (sections 28-45-401 and 28-45-
16 402, Idaho Code);
17 (16) Corporations (sections 18-1901, 18-1902, 18-1903, 18-1904,
18 18-1905, 18-1906 and 30-1510, Idaho Code);
19 (17) Perjury (sections 18-5401 and 18-5410, Idaho Code);
20 (18) Bribery and corrupt influence (sections 18-1352 and 18-1353, Idaho
21 Code);
22 (19) Controlled substances (sections 37-2732(a), (b), (c), (e) and (f),
23 37-2732B, 37-2734 and 37-2734B, Idaho Code);
24 (20) Motor vehicles (sections 49-228, 49-231, 49-232 and 49-518, Idaho
25 Code);
26 (21) Terrorism (section 18-8103, Idaho Code).
27 (b) "Person" means any individual or entity capable of holding a legal
28 or beneficial interest in property;
29 (c) "Enterprise" means any sole proprietorship, partnership, corpora-
30 tion, business, labor union, association or other legal entity or any group
31 of individuals associated in fact although not a legal entity, and includes
32 illicit as well as licit entities; and
33 (d) "Pattern of racketeering activity" means engaging in at least two
34 (2) incidents of racketeering conduct that have the same or similar in-
35 tents, results, accomplices, victims or methods of commission, or otherwise
36 are interrelated by distinguishing characteristics and are not isolated
37 incidents, provided at least one (1) of such incidents occurred after the ef-
38 fective date of this act and that the last of such incidents occurred within
39 five (5) years after a prior incident of racketeering conduct.

40 SECTION 51. That Section 23-1312, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 23-1312. BY THE DRINK LIQUOR RETAILERS MAY PURCHASE FROM DISTRIBUTORS.
43 Any law to the contrary notwithstanding, including but not limited to
44 section 23-~~914~~23, Idaho Code, the holder of a license for the retail sale of
45 liquor by the drink as defined in chapter 9, title 23, Idaho Code, is hereby
46 authorized to purchase wine from persons holding valid wine distributor's
47 licenses.

1 SECTION 52. That Section 23-1406, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 23-1406. STORAGE AND RESTOCKING. (1) All alcoholic beverages, which
4 are used to restock and replenish a facility's hospitality cabinets, shall
5 be kept locked in a separate, secure room or cabinet, except when the hospi-
6 tality cabinets are being restocked and replenished.

7 (2) The hospitality cabinets can be restocked and replenished with al-
8 coholic beverages only during those hours when liquor can be sold as provided
9 in section 23-92732, Idaho Code.

10 SECTION 53. That Section 39-5502, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 39-5502. DEFINITIONS. As used in this chapter:

13 (1) "Auditorium" means a public building where an audience sits and any
14 corridors, hallways or lobbies adjacent thereto.

15 (2) "Bar" means any indoor area open to the public operated primarily
16 for the sale and service of alcoholic beverages for on-premises consumption
17 and where: (a) the service of food is incidental to the consumption of such
18 beverages, or (b) no person under the age of twenty-one (21) years is per-
19 mitted except as provided in section 23-943604, Idaho Code, as it pertains
20 to employees, musicians and singers, and all public entrances are clearly
21 posted with signs warning patrons that it is a smoking facility and that per-
22 sons under twenty-one (21) years of age are not permitted. "Bar" does not in-
23 clude any area within a restaurant.

24 (3) "Employer" means any person, partnership, limited liability com-
25 pany, association, corporation or nonprofit entity that employs one (1) or
26 more persons, including the legislative, executive and judicial branches of
27 state government; any county, city, or any other political subdivision of
28 the state; or any other separate unit of state or local government.

29 (4) "Indoor shopping mall" means an indoor facility located at least
30 fifty (50) feet from any public street or highway and housing no less than ten
31 (10) retail establishments.

32 (5) "Public meeting" means all meetings open to the public.

33 (6) "Public place" means any enclosed indoor place of business, com-
34 merce, banking, financial service or other service-related activity,
35 whether publicly or privately owned and whether operated for profit or not,
36 to which persons not employed at the public place have general and regular
37 access or which the public uses including:

38 (a) Buildings, offices, shops or restrooms;

39 (b) Waiting rooms for means of transportation or common carriers;

40 (c) Restaurants;

41 (d) Theaters, auditoriums, museums or art galleries;

42 (e) Hospitals, libraries, indoor shopping malls, indoor sports arenas,
43 concert halls, or airport passenger terminals, and within twenty (20)
44 feet of public entrances and exits to such facilities;

45 (f) Public or private elementary or secondary school buildings and ed-
46 ucational facilities and within twenty (20) feet of entrances and exits
47 of such buildings or facilities;

- (g) Retail stores, grocery stores or arcades;
(h) Barbershops, hair salons or laundromats;
(i) Sports or fitness facilities;
(j) Common areas of nursing homes, resorts, hotels, motels, bed and breakfast lodging facilities and other similar lodging facilities, including lobbies, hallways, restaurants and other designated dining areas and restrooms of any of these;
(k) Any child care facility subject to licensure under the laws of Idaho, including those operated in private homes, when any child cared for under that license is present;
(l) Public means of mass transportation including vans, trains, taxicabs and limousines when passengers are present; and
(m) Any public place not exempted by section 39-5503, Idaho Code.
(7) "Publicly-owned building or office" means any enclosed indoor place or portion of a place owned, leased or rented by any state, county or municipal government, or by any agency supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, municipal or county taxes.
(8) "Restaurant" means an eating establishment including, but not limited to, coffee shops, cafes, cafeterias, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within a restaurant.
(9) "Smoking" includes the possession of any lighted tobacco product in any form.
(10) "Smoking area" means a designated area in which smoking is permitted.

SECTION 54. That Section 49-307, Idaho Code, be, and the same is hereby amended to read as follows:

49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SUPERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D driver's training course shall be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit as provided in subsection (4) of this section.

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the state highway account, five dollars (\$5.00) shall be deposited in the county current expense fund, and five dollars (\$5.00) shall be:

- (a) Deposited in the driver training account if the person is taking driver's training from a public school; or
(b) Paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses ~~fund~~ account if the person is taking driver's training from a private driver's training program. The amount to be remitted to the bureau of occupational

licenses shall be annually calculated and paid. To calculate such amount, the total number of public driver's training students as submitted to the state department of education shall be subtracted from the total number of permits sold as reported by the Idaho transportation department, and the resulting number shall be multiplied by five dollars (\$5.00).

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a class D driver's training instruction permit or a class D instruction permit upon receipt of identification acceptable to the department. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

(4) The class D driver's training instruction permit shall expire five (5) days after the permittee's eighteenth birthday for permittees fourteen and one-half (14 1/2) years of age through seventeen and one-half (17 1/2) years of age. The class D driver's training instruction permit shall expire one hundred eighty (180) days from the date of issue for persons seventeen and one-half (17 1/2) years of age or older. Persons aged seventeen (17) years or older may attend classes or participate in driver's training instruction while operating with a class D instruction permit or a class D driver's training instruction permit.

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

(6) Class D supervised instruction permit.

(a) Upon successful completion of the class D driver's training course, the driver's training instructor shall submit the student log to the county driver's license office and give the class D driver's training instruction permit to the parent or legal guardian of the permittee, and the parent or legal guardian shall assume responsibility for ensuring that the permittee complies with the requirements of operating a vehicle with a class D supervised instruction permit. The class D driver's training instruction permit shall then serve as a class D supervised instruction permit.

(b) In the event the permittee reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, the supervised instruction permit shall become a class D instruction permit.

(7) No permittee may apply for a class D driver's license sooner than fifteen (15) years of age and no sooner than six (6) months after completing a class D driver's training course, during which time the permittee shall satisfy all requirements for operation of a class D vehicle with a class D supervised instruction permit as follows:

(a) The permittee shall not operate a vehicle unless he is accompanied by a driver who holds a valid driver's license, is twenty-one (21) years of age or older, and who is actually occupying a seat beside the permittee driver. The supervising driver and the permittee shall be the only occupants of the front passenger section of the vehicle.

(b) Over a period of time not less than six (6) months, the permittee shall accumulate at least fifty (50) hours of supervised driving time, ten (10) hours of which shall be during hours of darkness.

(c) The permit shall be in the permittee's immediate possession at all times while operating a vehicle.

(d) In addition to the permittee driver and the supervising driver, all other occupants of the vehicle shall wear a seat belt or be restrained by child passenger restraints as required by law.

(e) The permittee is subject to the provisions of sections 18-1502 and 18-8004, Idaho Code, relating to violation of age restrictions on consumption of beer, wine, and alcohol and driving under the influence of alcohol, drugs or any other intoxicating substances, respectively.

(f) The permittee shall not have been convicted of any moving traffic violation, or have had driving privileges suspended by the department or the court for any offense, or found to be in violation of any of the restrictions on the class D supervised instruction permit, for a period of at least six (6) months from the date the driver's training instructor gave the permit to the parent or legal guardian, or from the date a canceled class D supervised instruction permit was reissued, or until the permittee reaches seventeen (17) years of age.

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section 18-1502, 18-8004 or 23-949604, Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17) years of age, the permittee may reapply for and be issued a new class D supervised instruction permit upon payment of the appropriate fee, and shall again be required to operate with the class D supervised instruction permit for at least six (6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection.

(8) Upon completion of the requirements in subsection (7) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(9) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

(a) The person under sixteen (16) years of age has a valid class D driver's license; and

(b) The person ~~is~~ accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and

1 (c) The two (2) licensed drivers are the only occupants of the front
2 passenger section of the vehicle.
3 The restriction of daylight hours only shall mean that period of time one-
4 half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

5 (10) Upon passage of the knowledge and skills tests, the permittee may
6 apply for a class D driver's license. Any such licensee who is under the age
7 of seventeen (17) years shall be required, during the first six (6) months
8 from the date of issue of the class D driver's license, to limit the number
9 of passengers in the vehicle who are under the age of seventeen (17) years to
10 not more than one (1) such passenger. Provided however, the limit of one (1)
11 passenger under the age of seventeen (17) years shall not apply to passengers
12 who are related to the driver by blood, adoption or marriage.

13 SECTION 55. That Section 67-7446, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-7446. RESTRICTIONS. Notwithstanding the provisions of section
16 23-92827, Idaho Code, nothing in that section shall be construed to autho-
17 rize any form of games of chance or private lotteries, except as may be autho-
18 rized expressly by this chapter in accordance with the Idaho Constitution.

19 SECTION 56. SEVERABILITY. The provisions of this act are hereby de-
20 clared to be severable and if any provision of this act or the application
21 of such provision to any person or circumstance is declared invalid for any
22 reason, such declaration shall not affect the validity of the remaining por-
23 tions of this act.

24 SECTION 57. This act shall be in full force and effect on and after Jan-
25 uary 1, 2020.

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1 ALCOHOL - Amends, repeals and adds to existing law to revise provisions re-
2 garding the retail sale of liquor by the drink; to revise provisions gov-
3 erning the sale of beer; to revise provisions governing the County Option
4 Kitchen and Table Wine Act; and to provide for clerk and server training.